

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

C.J., a minor, by and through her  
next friend and guardian, BETTY  
JEAN MURPHY JAMES,

and

BETTY JEAN MURPHY JAMES,  
as Administrator of the Estate of  
Latoya James

Plaintiffs,

v.

JIM PROCTOR in his individual  
capacity, as Camden County Sheriff

and

MICHAEL BLAQUIERE, in his  
individual capacity, as Camden County  
Deputy Sheriff

and

DOWNY CASEY, in his individual  
capacity, as a Camden County Deputy  
Sheriff

and

JOHN/JANE DOES, in their individual  
capacities, as Camden County Deputies

Defendants.

CIVIL ACTION

FILE NO.: 2:22-CV-00078-LGW-BWC

**DEFENDANT SHERIFF JIM PROCTOR'S MOTION TO**  
**STAY DISCOVERY AND MEMORANDUM OF LAW IN SUPPORT**

COMES NOW, defendant Sheriff Jim Proctor, in his individual capacity, (“defendant”), and pursuant to Federal Rule of Civil Procedure 26(d), hereby moves the Court to stay discovery pending resolution of his motion to dismiss plaintiff’s complaint. (Doc. 10.)

## **I. INTRODUCTION**

Plaintiffs have brought § 1983 claims for unreasonable forcible entry and excessive use of force against Balquiere and Casey (Count I; Count II), § 1983 claims against Sheriff Proctor for deliberate indifference (Count III), and wrongful death and estate claims against all defendants. (Counts IV-V.) In the interests of efficiency and justice, and to prevent undue burden and expense, defendant now requests that all discovery directed at Sheriff Proctor be stayed pending the Court’s consideration of and ruling on defendant’s motion to dismiss.

## **II. ARGUMENT AND CITATION TO AUTHORITY**

Rule 26(d) of the Federal Rules of Civil Procedure provides the Court broad discretion to alter the sequence of discovery “for the convenience of the parties . . . and in the interests of justice.” Fed. R. Civ. P. 26(d). See Panola Land Buyers Ass’n v. Shuman, 762 F.2d 1550, 1558–59 (11th Cir. 1985) (court has “broad discretion to stay discovery until the district court rules on a pending dispositive motion”).

Defendant submits that, in the interests of efficiency and justice, this Court should exercise its broad discretion under Rule 26 to stay discovery and relieve the parties from having to exert additional resources pending a final ruling on defendant’s motion to dismiss plaintiffs’ complaint. See Patterson v. United States Postal Serv., 901 F.2d 927, 929 (11th Cir. 1990) (trial court properly stayed discovery pending resolution of motion to dismiss); Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997) (facial challenges to the legal sufficiency of the claim or defense . . . should be resolved before discovery begins”); Caraballo-Sandoval v.

R.E. Honsted, 35 F.3d 521, 524 (11th Cir. 1994) (affirming stay of discovery until district court decided the issue of qualified immunity).

Because the motion to dismiss is dispositive of all claims against this defendant, an Order staying discovery will protect the parties from the burden of conducting unnecessary and expensive discovery should the motion be granted.

### **III. CONCLUSION**

For the foregoing reasons, defendant respectfully requests that the Court grant his motion and stay all discovery directed at Sheriff Proctor in this matter pending the Court's consideration of and ruling on defendant's motion to dismiss.

Respectfully submitted this 29th day of November, 2022.

**FREEMAN MATHIS & GARY, LLP**

/s/ Sun S. Choy

Sun S. Choy

Georgia Bar No. 025148

[schoy@fmglaw.com](mailto:schoy@fmglaw.com)

Wesley C. Jackson

Georgia Bar No. 336891

[wjackson@fmglaw.com](mailto:wjackson@fmglaw.com)

Steven L. Grunberg

Georgia Bar No. 146397

[sgrunberg@fmglaw.com](mailto:sgrunberg@fmglaw.com)

*Attorneys for defendants*

100 Galleria Parkway  
Suite 1600  
Atlanta, GA 30339-5948  
(770) 818-0000 (Telephone)  
(770) 937-9960 (Facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically submitted the foregoing **DEFENDANT SHERIFF JIM PROCTOR'S MOTION TO STAY DISCOVERY AND MEMORANDUM OF LAW IN SUPPORT** to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants. Counsel of record are:

Reginald A. Greene  
Georgia Bar No. 308674  
Greene Legal Group, LLC  
One Georgia Center, Suite 605  
600 West Peachtree Street, N.W.  
Atlanta, GA 30308  
(404) 574-4308  
Fax: (912) 574-4312  
regreene@greenelegalgroup.com

Mario A. Pacella  
Georgia Bar No. 558519  
Bakari T. Sellers  
(Pro hac vice to be filed)  
Strom Law Firm, LLC  
P.O. Box 1635  
Brunswick, Georgia 31521  
(912) 264-6465  
Fax: (912) 264-6470  
6923 N. Trenholm Road, Suite 200  
Columbia, SC 29206  
(803) 252-4800  
Fax: (803) 242-4801  
mpacella@stromlaw.com  
bsellers@stromlaw.com

Harry M. Daniels  
(Pro hac vice to be filed)  
4751 Best Road Suite 490  
Atlanta, GA 30337  
Tel. 678.664.8529  
Fax. 800.867.5248  
daniels@harrymdaniels.com

This 29th day of November, 2022.

/s/ Sun S. Choy

Sun S. Choy

Georgia Bar No. 025148

[schoy@fmglaw.com](mailto:schoy@fmglaw.com)

FREEMAN MATHIS & GARY, LLP

100 Galleria Parkway

Suite 1600

Atlanta, Georgia 30339-5948

T: (770) 818-0000

F: (770) 937-9960